

CHARTER

Footnotes:

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Editor's note— *The Miami Springs Charter has been converted to the status of an ordinance as of October 1, 1973 by F.S.A. § 166.021(5).*

ARTICLE I. - POWERS

Sec. 1.01. - General powers.

The city shall have all governmental, corporate, and proprietary powers to enable it to conduct a municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. In order to secure for the city the broad exercise of home rule powers as provided by Article VIII, Section 2(b) of the Constitution of the State of Florida, the provisions of all general laws relating to and governing municipalities generally in the State of Florida are hereby adopted and incorporated herein as though expressly set forth in full, it being intended that all such powers, rights, and limitations be and are hereby granted to the City of Miami Springs.

Sec. 1.02. - Construction.

The powers of the city shall be construed liberally in favor of the city, limited only by the constitution, general law, and specific limitations contained herein. Special acts pertaining to the jurisdiction and exercise of powers by the city shall be considered amendments to this charter and, pursuant to the provisions adopted for the incorporation of other charter amendments, shall be incorporated as amendments to the charter. Enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or applied thereby, or appropriated to the exercise of such powers, it is intended that the city shall have and may exercise all powers which, under the constitution of the state, it would be competent for this charter specifically to enumerate.

Sec. 1.03. - Powers of City Council.

All powers of the city and the determination of all matters of policy shall be vested in the City Council.

Sec. 1.04. - Limitation of powers.

The powers of the city, in addition to limitations imposed by law, are further limited as follows:

- (1) The city may not otherwise dispose of that part of its real property now, or hereinafter held for parks, playgrounds, or other recreational facilities, except by ordinance passed by $\frac{4}{5}$ vote

of the City Council, after 2 public hearings.

- (2) The Council shall have and exercise all powers of the city not specifically conferred upon other officers and employees. It may delegate any power except the power to fix the rate of taxes, enact ordinances and resolutions, incur indebtedness, adopt a budget and appropriate money.
- (3) The Council may, by majority vote after 2 public hearings, change any existing zoning classification within the city, provided that notice of such proposed zoning change shall first be given to the inhabitants of the city in the following manner:
 - (a) Notice of each public hearing shall be published at least 10 days prior to each hearing in a newspaper of general circulation within the city.
 - (b) The entire text of the proposed zoning change shall be posted in a prominent place in public buildings for a period of at least 2 weeks prior to the date of the first newspaper publication, as follows:
 - (1) City hall,
 - (2) Recreation center gymnasium,
 - (3) The field house, and
 - (4) Any other building(s) designated by Council.
 - (c) Notice of the proposed zoning change shall be mailed to the electors of the city in accordance with the then most current voters registration list, which list shall be maintained as available to the public by the City Manager, and the cost of such mailing shall be borne by the applicant for such zoning change.
- (4) The City of Miami Springs shall not issue ad valorem bonds the outstanding total amount of which shall obligate the city in excess of 15 percent of the assessed valuation of the real property within the City of Miami Springs for the total outstanding amount of said bonds issued by the city.
- (5) No portion of the Miami Springs Golf and Country Club Property, which is more particularly described in Official Records Book 17843, Pages 4410—4415, of the Miami-Dade County Public Records, shall be leased for any single period in excess of 5 years, re-zoned, sold, or otherwise conveyed, without first being approved and authorized by a majority of the qualified city electors voting in an election to consider any such actions.
- (6) Any building that includes more than 2 residential dwelling units shall not exceed 3 stories and a maximum of 40-feet in height.

(Amend. Ord. 650-80, passed 12-8-80; Amend. Ord. 915-2004, passed 8-23-04; Res. 2004-3266, § 2, election of 11-2-04, adopted 11-8-04; Res. 2006-3339, § 2, election of 11-7-06, adopted 11-13-06)

Sec. 1.05. - Fines and imprisonment.

The City Council by ordinance shall establish uniform fines and penalties for violation of ordinances, rules, and regulations of the city, provided that said fines and imprisonment shall not exceed fines and penalties permitted by general law.

ARTICLE II. - CORPORATE LIMITS

Sec. 2.01. - Corporate limits.

- (A) The following area shall constitute the corporate limits of the City of Miami Springs, unless otherwise amended by ordinance.

LEGAL DESCRIPTION
LIMITS OF CITY OF
MIAMI SPRINGS
DADE COUNTY FLORIDA

BEGIN at the point of intersection of the centerline of the Miami Canal and the South line of Section 20, Township 53 South, Range 41 East of Dade County, Florida; thence run Westerly along the South line of Section 20 and 19, of Township 53 South, Range 41 East, to the Southwest corner of said Section 19; thence run Northerly, along the West line of said Section 19 to the Southeast corner of Section 24, Township 53 South, Range 40 East; thence run Westerly along the South line of said Section 24 and Section 23 of said Township 53 South, Range 40 East, to a point 50 feet West of the Southwest corner of said Section 24; thence run Northerly, along a line 50 feet West of and parallel to the West line of Section 24 and 13 of Township 53 South, Range 40 East, to the centerline of the Florida East Coast Railroad Main Line; thence run Northeasterly, along the said centerline of said Florida East Coast Railroad Main Line, to a point of intersection with the centerline of the Miami Canal; thence run Southeasterly, along the centerline of the Miami Canal, to the POINT OF BEGINNING.

- (B) The Charter of the City of Miami Springs Section 2.01 Corporate Limits is hereby amended by adding thereto the following description of real property which has been annexed to the City of Miami Springs pursuant to the provisions of Section 5.04 (B) of the Home Rule Charter of Metropolitan Dade County, to wit:

A portion of the Northeast quarter of Section 29, Township 53 South, Range 41 East, Dade County, Florida, more particularly described as follows:

Begin at the Northwest corner of the Northeast quarter of said Section 29; thence run South 1 degree 43 minutes and 5 seconds East along the West line of the Northeast quarter of said Section 29 for a distance of 1307.89 feet to a point; thence run North 88 degree 16 minutes and 55 seconds East for a

distance of 478.00 feet to a point; thence run North 1 degree 43 minutes and 5 seconds West for a distance of 1.37 feet to a point on curve, said point bears South 5 degree 24 minutes and 35 seconds East from the center of said curve; thence run Easterly and Northerly along said curve having a radius of 670.00 feet through a central of 46 degree 48 minutes and 30 seconds for an arc distance of 547.36 feet to a point of tangency; thence run tangent to the aforementioned curve North 37 degree 46 minutes and 55 seconds East for a distance of 114.00 feet to a point; thence North 61 degree 17 minutes and 29 seconds West for a distance of 748.37 feet to a point on a circular curve concave to the Southeast, said point bears North 50 degrees 30 minutes and 43 seconds West from the center of said curve; thence run Northerly and Easterly along said curve having a radius of 869.93 feet through a central angle of 29 degrees 21 minutes and 4 seconds for an arc distance of 445.64 feet to the point of tangency; thence run North 68 degrees 50 minutes and 21 seconds East tangent to the aforementioned curve for a distance of 102.07 feet to the point of intersection with the centerline of Northwest South River Drive; thence Northwesterly along the centerline of Northwest South River Drive to a point of intersection with North line of Northeast quarter of said Section 29; thence Westerly along the North line of the Northeast quarter of said Section 29 to the point of beginning.

(Amend. Ord. 674-83, passed 2-14-83)

(C) The following description of real property is added to the corporate limits:

A portion of the Northeast quarter of Section 29, Township 53 South, Range 41 East, Dade County, Florida, described as follows: Tract "A"-COMMENCE at the Northwest corner of the Northeast quarter of Section 29, Township 53 South, Range 41 East, Dade County, Florida; thence run North 87 degrees 59 minutes 26 seconds East along the North line of said Section 29 for a distance of 50 feet to a point; thence run South 1 degree 43 minutes 05 seconds East along a line parallel to and 50 feet East of the West line of the said Northeast half for a distance of 1,307.89 feet to a point; thence run North 88 degrees 16 minutes 55 seconds East for a distance of 69.86 feet to a point being the beginning of a curve concave to the Southeast and having a tangent bearing of North 7 degrees 18 minutes 06 seconds East through said point; thence run Northeasterly along said curve having a central angle of 2 degrees 19 minutes 15 seconds and a radius of 2,817.93 feet for an arc distance of 114.14 feet to the end of said curve; thence run North 9 degrees 37 minutes 21 seconds East for a distance of 210.35 feet to the beginning of a curve to the right; thence run Northeasterly along said curve to the right having a radius of 919.93 feet through a central angle of 29 degrees 16 minutes 22 seconds for an arc distance of 470 feet to a point; thence run South 61 degrees 17 minutes 29 seconds East for a distance of 50.83 feet to a point on a circular curve concave to the Southeast and the point of beginning of the parcel of land herein described; thence continue South 61 degrees 17 minutes 29 seconds East for a distance of 748.37 feet to a point; thence run south 37 degrees 46 minutes 55 seconds West for a distance of 114.0 feet to the beginning of a tangential circular curve; thence run in a Southwesterly direction along said circular curve having a radius of 670 feet through a central angle of 46 degrees 48 minutes 30 seconds for an arc

distance of 547.36 feet to a point, the center of the aforesaid circular curve bears North 5 degrees 24 minutes 35 seconds West from said point; thence run South 1 degree 43 minutes 05 seconds East along a line parallel to and 528 feet East of the West line of the Northeast quarter of said Section 29 for a distance of 503.37 feet to a point; thence run South 88 degrees 16 minutes 55 seconds West for a distance of 478.0 feet to a point 50 feet East of the West line of the Northeast quarter of the said Section 29; thence run South 1 degree 43 minutes 05 seconds East along a line parallel to and 50 feet East of the West line of the Northeast half of the said Section 29 for a distance of 200 feet to a point of intersection thereof with the Northerly right-of-way line of the Seaboard Airline Railroad; thence run North 83 degrees 38 minutes 43 seconds East along the Northerly right-of-way line of the Seaboard Airline Railroad for a distance of 1,065.53 feet to the beginning of a tangential circular curve; thence run in a Northeasterly direction along the Northwesterly right-of-way line of the Seaboard Airline Railroad and along said circular curve having a radius of 855.336 feet through a central angle of 75 degrees 31 minutes 15 seconds for an arc distance of 1,127.41 feet to a point of intersection thereof with the Southwesterly right-of-way line of Northwest South River Drive; thence run North 50 degrees 51 minutes 06 seconds West along the Southwesterly right-of-way line of Northwest South River Drive for a distance of 1,360.11 feet to a point; thence run South 68 degrees 50 minutes 21 seconds West for a distance of 67.07 feet to the beginning of a tangential circular curve; thence continue in a Southwesterly direction along said circular curve being concave to the Southeast having a radius of 869.93 feet through a central angle of 29 degrees 21 minutes 04 seconds for an arc distance of 445.64 feet to the point of beginning of the parcel of land herein described.

(Ord. 688-84, passed 2-27-84)

Sec. 2.02. - Annexation.

The city, by ordinance, may annex contiguous lands in the manner provided by law. The City of Miami Springs shall not annex any lands outside of the existing boundaries of the City of Miami Springs, without first being approved and authorized by a majority of qualified city electors voting in a election to consider any such action.

(Res. 2009-3442, § 2, election of 4-7-09, adopted 4-13-09)

ARTICLE III. - ELECTIONS

Sec. 3.01. - Electors.

Any person who is a bona fide resident of the city, who has qualified as an elector of the state, and who registers in the procedural manner prescribed by general law and ordinance of the city, shall be a qualified elector of the city.

Sec. 3.02. - Nonpartisan elections.

All nominations and elections for office of City Councilmember and Mayor shall be conducted on a nonpartisan basis without regard for, or designation of political party affiliation of any nominee on any nomination petition or ballot.

Sec. 3.03. - Registration.

- (1) The City Clerk shall be supervisor of elections.
- (2) Elections and maintenance of voters registration lists shall be conducted in accordance with the ordinances of the city and the laws of the State of Florida.

Sec. 3.04. - Nominations for office of Mayor and/or Councilmember.

(1) Any person who shall be a qualified elector of the city and who shall have resided in the City of Miami Springs for a minimum of 6 months prior to the day on which the said person seeks to qualify as a candidate for the office of Councilmember or Mayor shall be qualified as a candidate to seek office of Councilmember or Mayor. Any qualified elector of the city may be nominated for Mayor or Councilmember by petition. A petition for this purpose shall be signed by not less than 50 qualified electors and filed with the City Clerk, accompanied by a filing fee of \$25, within the qualifying period. No elector shall sign more than one such petition for each group and should an elector do so, his signature shall be void except as to the petition first filed. The signatures on the nominating petition need not all be subscribed to one paper, but to each separate paper there shall be attached a signed statement of the circulator thereof, stating the number of the signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. The signatures shall be executed in ink or indelible pencil. Each signer shall indicate next to his signature the date of the signing and the place of his residence. The signature of the circulator of the petition, including the place of his residence shall be notarized in the manner provided by law.

(2) The form of the nominating petition shall be substantially as follows:

"WE, the undersigned electors of the City of Miami Springs, hereby nominate _____ for the office of _____ (Councilmember-Mayor)

Name:

Street and Address:

Address from which last Registered (if different)

Date of Signing:

Statement of Circulator

The undersigned is the Circulator of the foregoing paper containing _____ signatures. Each signature appended thereto was made in my presence and is the genuine signature of the person whose name it purports to be.

Signature of Circulator

Address

Acceptance of Nomination

I hereby accept the nomination for the office of _____ (Councilmember-Mayor) _____ and agree to serve if elected.

Signature of Candidate

- (3) The qualifying period for candidates for Mayor or City Council shall be 60 days and the qualifying period shall be closed 45 days prior to the general municipal election. Qualifying dates for special elections to fill vacancies on the Council and for Mayor or for other purposes permitted by law shall be established by Resolution of the City Council. Within 5 days after the filing of a nominating petition, the City Clerk shall notify the candidate and the person who filed the petition whether or not it is signed by the required number of qualified electors. If a petition is found insufficient, the City Clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is insufficient. Within the regular time for filing petitions such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. All petitions shall be preserved by the City Clerk until the results of the election, in which such person so nominated is voted upon, are canvassed, whereupon the petition shall be destroyed.

(Amend. Ord. 716-87, passed 1-26-87)

Sec. 3.05. - Form of ballots; procedures; voting machines.

The form of ballot including the method of listing candidates, ordinances, charter amendments, propositions, or other matters to be voted upon shall be prescribed by ordinance, or in the absence thereof in accordance with law. All elections shall be conducted by secret ballot. Voting machines shall be used

unless otherwise authorized by ordinance. An ordinance or charter amendment or proposition to be voted on shall be presented by title. The ballot title may differ from the legal title of the ordinance, charter amendment or proposition and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) (proposition) be adopted?" Immediately below such question shall appear in the following order the word "For" and also the word "Against" and, in the event a voting machine is not used, sufficient blank space thereafter for the placing of a symbol "X" indicating the voter's choice.

Sec. 3.06. - Election of Mayor and Councilmembers; general and special elections.

- (1) General municipal elections shall be held on the first Tuesday of April on each odd numbered calendar year. The Council may call special elections on other dates to fill vacancies on the Council or for other purposes permitted by law.
- (2) All candidates for the office of Councilmember shall qualify and stand for election in separate groups (groups I, II, III and IV) as to each Council office. The candidates for Mayor shall qualify and stand for election separate and apart from any Council group.
- (3) All incumbent officeholders shall hold office until a successor is elected or appointed and duly installed as provided herein.
- (4) Terms of office.
 - (a) The terms of office for all Councilmembers and Mayor shall be 2 years.
 - (b) The Mayor and Councilmembers in groups III and IV shall be elected at the next general municipal election to be held on the first Tuesday of April, 1975, and at each subsequent general municipal election thereafter. The Councilmembers in groups I and II shall be elected at the general municipal election to be held on the first Tuesday of April, 1977, and at each subsequent general municipal election.
- (5) The candidate for Mayor and the candidate for each Councilmember group receiving the highest number of votes in the General Municipal Election shall be declared to be elected to office upon the canvassing of the certified election results.
- (6) The newly elected officials shall be installed in office on the day following their election.
- (7) No person shall hold elective office or offices longer than a total of 8 consecutive years. The holding of an elective office for a portion of any term shall be deemed as serving the full number of years of the term of the said elective office.
- (8) No candidate shall qualify or run for the office of Mayor and Councilmember in the same election.

(Res. 2002-3203, § 2, election of 11-5-02, adopted 11-12-02; Amend. Ord. 915-2004, passed 8-23-04; Res. 2004-3266, § 2, election of 11-2-04, adopted 11-8-04; Res. 2008-3421, election of 11-4-08, adopted 11-24-08)

Sec. 3.07. - Vacancies; forfeitures of office; filling of vacancies; extraordinary vacancies.

- (1) The offices of Councilmembers and Mayor shall become vacant upon death, resignation, election to any other office in the city, removal from office in any manner authorized by law, forfeiture of office, failure to attend City Council meetings for a period of 90 consecutive days, failure to remain a bona fide resident of the city, or if the total consecutive years in office of the elected official exceeds 8 years.
- (2) A Councilmember or Mayor shall forfeit his office if:
 - (a) At any time during the term of office the official lacks any qualification for the office as prescribed by this charter or by law, or
 - (b) The official violates any standard of conduct or a code of ethics established by law for public officials, or
 - (c) Is convicted of a felony or violation of the provisions of this charter.
- (3) A vacancy on the Council shall be filled in one of the following ways:
 - (a) If there is less than 120 days remaining in the unexpired term or if there is less than 120 days before the next regular city election, the Council, by a majority vote of the remaining members shall choose a successor to serve until the newly elected Councilmember or Mayor is qualified;
 - (b) If there is more than 120 days remaining in the unexpired term and no regular city election is scheduled within 120 days, the Council shall fill the vacancy on an interim basis as provided in (a) and shall call a special election to be held within 30 days following the first regular meeting of the Council after the occurrence of the vacancy;
 - (c) A majority of the remaining members of the Council shall call an election as provided in (b) notwithstanding that the expiration of the 30-day period provided for in this section occurs within 120 days of the next regular election.
- (4) If more than one of the members of the City Council should become appointed rather than elected to office, then the remaining members of the Council, or in the absence thereof, the governor of the state shall call an election to be held not more than 45 days thereafter to permit the registered electors to elect Councilmembers. Appointed Councilmembers may succeed themselves unless otherwise prohibited by the charter or by state laws. If a city or countywide election is scheduled to be held within 120 days from the date on which more than one of the members of the Council became appointive, the Council may elect to defer the required election until the next scheduled city or countywide election.

ARTICLE IV. - CITY MANAGER

Sec. 4.01. - Appointment.

- (1) There shall be a City Manager who shall be appointed by a $\frac{3}{5}$ vote of the City Council. The City Manager shall be responsible to the Council for the administration of all city affairs placed in his charge by or under this charter or by direction of the City Council.
- (2) The City Council shall establish by resolution the conditions of employment prior to the applicant assuming the duties of the office of City Manager.

(Amend. Ord. 650-80, passed 12-8-80)

Sec. 4.02. - Removal; vote of confidence.

- (1) The Council may remove the manager at any time by a $\frac{3}{5}$ vote of the City Council.
- (2) The City Council shall at the first regular meeting in October of each year, cause a vote of confidence to be taken as to the continued services of the City Manager.

(Amend. Ord. 650-80, passed 12-8-80)

Sec. 4.03. - Compensation; terms of employment.

The compensation and terms of employment of the manager shall be set forth in the resolution appointing the manager.

Sec. 4.04. - Residency.

The manager need not be a resident of the city or state at the time of his appointment but may reside outside the city while in office only with the approval of the Council.

Sec. 4.05. - City Manager; powers, duties and responsibilities.

- (1) The manager shall be the chief administrative officer of the city and shall have the powers, duties, and responsibilities:
 - (a) To insure the compliance with all laws, provisions of this charter, and acts of the Council required to be enforced by the manager or by the officers and employees subject to his direction and supervision.
 - (b) To appoint and when he deems it necessary for the good of the service, suspend and remove all city employees and appointive administrative officers provided for by and under this charter, except as otherwise provided by law, this charter, personnel rules or collective bargaining agreements wherein the process of removal may be otherwise provided. He may authorize any administrative officer subject to his direction and supervision, to exercise these powers with respect to subordinates in the officer's department, office or agency.

- (c) To appoint an assistant City Manager.
 - (d) To attend all meetings of the City Council with the right to take part in the discussion, but having no vote.
 - (e) To recommend to the City Council for adoption, such measures as he may deem necessary or expedient. The Council may adopt, reject, or modify the recommendations. The manager shall be bound by the actions of the Council.
 - (f) To submit to the City Council an annual budget and to keep the Council fully advised as to the current financial situation and needs of the city.
 - (g) To perform such other duties as are specified in this charter or as may be required by Council.
- (2) Except as otherwise provided by this charter or by general law, the City Manager will be responsible for the supervision and direction of all administrative departments, employees, agencies or offices of the city. All departments, offices, and agencies under the direction and supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of the Council the manager may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of 2 or more of said departments, offices, or agencies.
- (3) The City Manager shall account to the City Council for the conduct and acts of the several departments, their officers and employees as now existing, or to be created, and he shall have supervision and control of the heads of the said departments and said officers shall be accountable to the City Manager for the conduct and acts of their department.
- (4) The City Manager may at any time require the head of any department of the city now existing or to be created, to submit reports relating to the affairs of the department and may at any time investigate the records and works of the said departments.
- (5) The City Manager may submit oral reports or if requested by a $\frac{3}{5}$ vote of the Council, written reports on the finances and administrative activities of the city and make such other reports as the Council may require concerning the operation of the city departments, offices, and agencies subject to his direction and supervision.

(Amend. Ord. 650-80, passed 12-8-80)

Sec. 4.06. - Absence.

- (1) In the event of the temporary absence of the City Manager, the assistant City Manager shall assume the duties, powers, and responsibilities of the City Manager.
- (2) In the event that the City Manager shall be absent without Council consent, or incapacitated or shall, for any other reason not perform the duties of his office, the Council may declare the office

of the City Manager to be vacant by a $\frac{3}{5}$ vote of the Council. The City Council shall appoint by a $\frac{3}{5}$ vote a qualified person to assume the duties of the City Manager.

- (3) Under no circumstances shall any member of the City Council be eligible for appointment to the office of City Manager, either temporarily or permanently, unless they shall not have served as City Councilmembers or Mayor for 2 years prior to the appointment.

(Amend. Ord. 650-80, passed 12-8-80)

Sec. 4.07. - (Reserved).

ARTICLE V. - Council

Sec. 5.01. - Council.

All legislative powers of the city shall be vested in the City Council. The City Council shall be comprised of 5 persons, consisting of 4 Councilmembers and a Mayor, all of whom shall possess the qualifications of an elector of the city.

Sec. 5.02. - Meetings of the Council.

- (1) The Council shall meet regularly at such time as may be prescribed by its rules or upon the call of the Mayor, or 3 Councilmembers. The Council shall fix its rules of procedure or in the absence of such rules, follow Robert's Rules of Order, and shall act in all matters upon a majority vote except as otherwise specified in this charter. A majority of the Council shall constitute a quorum, but less than a majority may adjourn.
- (2) Reference to the "City Council" in this charter means 5 members thereof, whether or not present to vote on any matter unless otherwise provided.

(Amend. Ord. 650-80, passed 12-8-80)

Sec. 5.03. - Compensation of Council.

The compensation of the Council and Mayor shall be fixed by ordinance based upon the level of compensation in effect as of the adoption of this charter and in no event may compensation be increased in excess of 5% of said compensation in any 2-year period. The City Council voting to increase such compensation shall not be eligible therefor until the anniversary date of their election in the last year of their term in office. Should any increase in excess of 5% be considered necessary by the Council in order to maintain a compensation level consistent with general economic conditions, then such proposal shall be submitted to the electorate by referendum. The term compensation as used herein shall be deemed to include both salary and a fixed allowance for expenses to be set forth in the budget.

Sec. 5.04. - Prohibitions.

- (1) Holding other office. No elected city official shall hold any compensated position, or employment with the city until 2 years after the expiration of the term for which he was elected.
- (2) Appointments and removals. Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officer or employee who the manager or any of his subordinates are empowered to appoint, but the Council may express its view fully and freely and discuss with the manager anything pertaining to appointment and removal of such officers and employees.
- (3) Interference with administration. The Council or its members shall deal with city officers or employees who are subject to the direction and supervision of the City Manager solely through the manager and neither the Council nor its members shall give any orders to any such officer or employee, either publicly or privately. It is the express intent of this charter that recommendations for improvement in city government operations by individual Councilmembers be made to the City Manager, so that the manager may coordinate the efforts of all city departments to achieve the greatest possible savings through the most efficient and sound means available.
- (4) The Council may, by resolution, designate one or all of its members as special committees of inquiry to inquire into the conduct of any office or employee of the city, provided, however, that said inquiry shall be reported by written memoranda to the Council and to the manager.

(Amend. Ord. 716-87, passed 1-26-87)

Sec. 5.05. - Ordinance procedures and adoption.

The uniform method for adoption and enactment of municipal ordinances and resolutions established by general law shall govern all procedures for adoption of ordinances and resolutions except that the following additional requirements shall govern:

- (1) Every ordinance shall contain the enacting clause "BE IT ORDAINED BY THE COUNCIL."
- (2) No ordinance shall be amended prior to final passage so as to substantially change the purpose of said ordinance unless the ordinance shall be re-noticed as amended, five days prior to public hearing thereon.
- (3) The Council may adopt in whole or in part, any published code by reference as an ordinance in the manner provided by law, which shall be maintained in the office of the City Clerk.
- (4) In order to meet public emergency affecting life, property, or public safety, the Council by $\frac{4}{5}$ vote may adopt an emergency ordinance at any meeting at which it is introduced and may make it effective immediately, except that no such ordinance shall be passed to levy taxes,

grant or extend a franchise, or authorize the borrowing of money. After the adoption of an emergency ordinance, the Council shall cause the said ordinance to be published by title in full within 10 days in a newspaper of general circulation within the city.

(5) Each ordinance and resolution after adoption shall be given a serial number and shall be entered by the clerk in a properly indexed record kept for that purpose.

(6) All city ordinances of general application shall be codified.

(Amend. Ord. 650-80, passed 12-8-80)

Sec. 5.06. - Public hearing.

Whenever a public hearing is required by the provisions of this charter or any ordinance enacted thereunder, notice of said public hearing shall be published in a newspaper of general circulation within the city within such time as may be designated by law and where the time of notice is not designated, notice of the public hearing shall be published at least 5 days prior to the day upon which the meeting is to be held. In addition to publication, notice of all public hearings shall be posted in a prominent place within the City Hall and in such other places as the City Council may, from time to time, designate. No ordinance shall be finally passed without public hearing where all interested parties may appear and be heard with respect to the proposed ordinance. The definition of public hearing as applied to zoning matters is contained within §1.04, subparagraph 3.

Sec. 5.07. - Mayor's powers and duties.

- (a) Except as otherwise provided in this charter, the Mayor shall be entitled to all privileges and shall be subject to all restrictions and limitations granted to all other members of the Council.
- (b) The Mayor shall be the presiding officer at the meetings of the Council and shall bear the title of Mayor and shall have a voice and vote in the proceedings of the City Council, but no veto power. He may use the title of Mayor in any case in which the execution of legal instruments in writing or other necessity arising from the general laws of the state, so requires. He shall sign all deeds, contracts, bonds, or other instruments of writing to which the city is a party when authorized to do so by ordinance or resolution of the City Council. He shall be recognized as the official head of the city by the courts for the purpose of serving civil process and by the governor in the exercise of military law and for all ceremonial purposes. The Mayor shall perform such other duties as may be by ordinance prescribed by the City Council.

(Amend. Ord. 714-86, passed 10-13-86)

ARTICLE VI. - INITIATIVE, REFERENDUM, AND RECALL

Sec. 6.01. - Initiative.

Qualified voters of the city shall have power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed, to adopt or reject it at city election, provided that such a power shall not be extended to the budget or capital program or to any ordinance relating to appropriation of money, levy of taxes, or salaries of the officers or employees.

Sec. 6.02. - Referendum.

The qualified voters of the city shall have the power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such powers shall not extend to the budget or capital program or to any emergency ordinance or ordinances relating to appropriation of money, levy of taxes, or salaries of city officers or employees.

Sec. 6.03. - Recall.

The qualified voters of the city shall have the power to remove from office, any elected official of the city.

- (a) A recall of an elected official shall be initiated and conducted according to the laws of the State of Florida and this charter, and except as otherwise provided by the laws of the State of Florida, a Councilmember who is subject to recall shall not be eligible to qualify as a candidate in the same election or in any election to fill the remaining term of his office whether or not he shall resign from office prior to the election.
- (b) If a majority of the qualified electors voting on a recall of an elected city official vote for the recall, that official shall be removed from office upon certification of the election result but such removal shall not constitute a disqualification to run for the same or any other city office in any subsequent election at a later date.

Sec. 6.04. - Commencement of proceedings.

Initiative and referendum proceedings shall be commenced and conducted in the manner provided by the laws of the State of Florida and in the absence thereof in accordance with the provisions of this charter. Any 5 qualified voters may commence initiative and referendum proceedings by filing with the City Clerk or other official designated by the Council, an affidavit stating that they will constitute the petitioner's committee and are responsible for circulating the petition and filing it in proper form. The affiants shall state their names and addresses and specify the address to which all notices to the committee are to be sent and shall set out in full the proposed initiative ordinance or cite the ordinance sought to be reconsidered.

Sec. 6.05. - Petitions.

- (1) Number of signatures. Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least 15% of the total number of qualified voters registered to vote on the day on which the petition is approved.
- (2) Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing, and date signed. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (3) Affidavit of circulator. Each paper of a petition shall have attached to it for filing an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all of the signatures were affixed in his presence, that each signer of the petition and only such signer had signed the petition, that he believes them to be the genuine signatures of the persons whose names they purported to be and that each signer had had the opportunity before signing to read the full text of the ordinance proposed or sought to be recommended to be reconsidered.
- (4) Time for filing referendum petitions. Referendum petitions must be filed within 30 days after adoption by the Council of the ordinance sought to be reconsidered.

Sec. 6.06. - Procedure for filing.

- (1) Certificate of clerk; amendment. Within 20 days after an initiative petition is filed or within 5 days after a referendum petition is filed, the City Clerk shall determine the sufficiency of the petition and thereafter prepare, complete, and attach to said petition a certificate as to its sufficiency, specifying if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioner's committee by certified or registered mail. Grounds for insufficiency are specified in § 6.05. A petition certified in-sufficient for lack of the required number of valid signatures may be amended once if the petitioner's committee files a notice of intention to amend it with the clerk within 2 days after receiving the copy of the clerk's certificate. The committee shall file a supplementary petition upon additional papers within 10 days after receiving the copy of said certificate. Such supplementary petition shall comply with the requirements of subsections (2) and (3) of §6.05 and within 5 days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioner's committee by certified or registered mail as in the case of the original petition. The clerk shall promptly present his certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition, subject to subsection (2) of this section.
- (2) Council review. If a petition or amended petition has been certified insufficient, the committee

may within 2 days after receiving the copy of such certificate, file a request that it be reviewed by the Council. Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination by a $\frac{3}{5}$ vote of the City Council shall then be a final determination as to the sufficiency of the petition.

(Amend. Ord. 650-80, passed 12-8-80)

Sec. 6.07. - Referendum petitions; suspension of ordinance.

When a referendum petition is filed with the City Clerk or other official designated by the Council, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of the insufficiency of the petition, or
- (2) The petitioner's committee withdraws the petition, or
- (3) The Council repeals the ordinance, or
- (4) The petition has been defeated at referendum.

Sec. 6.08. - Actions on petition.

- (1) Action by Council. When an initiative and referendum petition has been finally determined sufficient, the Council shall promptly consider the initiative ordinance in the manner provided in this article or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within 30 days or fails to repeal a referred ordinance within 30 days, it shall submit the proposed or referred ordinance to the voters of the city.
- (2) Submission to the voters. An election to consider a proposed or referred ordinance shall be held not less than 30 days and not later than 60 days from the date that the petition was considered by the Council. If no regular city election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Council may, in its discretion, provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.
- (3) Withdrawal of petitions. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for the election by filing with the City Clerk a request for withdrawal signed by at least 4 members of the petitioner's committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Sec. 6.09. - Results of election.

- (1) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results, and shall be treated in all respects as an ordinance adopted by Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (2) Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Sec. 6.10. - Conduct of election; amendment.

- (1) Elections provided hereunder shall be conducted in the manner set forth by the provisions of this charter in relation to elections.
- (2) An ordinance adopted by the electorate through initiatory proceedings shall not be amended or repealed by the Council for a period of one year after the election at which it was adopted, but thereafter it may be amended or repealed in the manner provided by this charter for ordinances generally.

ARTICLE VII. - CIVIL SERVICE

Sec. 7.01. - Civil service.

Civil service and personnel procedures and rules governing all appointments, dismissals and benefits of employment in effect upon passage of this charter relating to all city officers and employees (except those specifically exempted therefrom by ordinance or subject to collective bargaining agreements) shall remain in effect for the benefit of the said officers and employees in accordance with the ordinances establishing the civil service, personnel procedures and rules. Civil service ordinances, personnel procedures and rules shall be approved or amended by $\frac{4}{5}$ vote of the City Council.

ARTICLE VIII. - OFFICERS; DEPARTMENTS; BOARD; MUNICIPAL COURT

Sec. 8.01. - Appointments; establishing departments.

- (1) The Council shall by ordinance appoint and prescribe the compensation of the following officers who shall not be members of the Council but who shall serve at the will of the Council: City Manager, City Clerk, City Attorney, and such additional professional assistants as may be necessary and proper in order for the Council to carry out its duties. The City Council shall, at its

first regular meeting in March of each year cause a vote of confidence to be taken as to the continued services of said officers and professionals who shall serve at the will of the Council. Vote of confidence as to the City Manager shall be only in accordance with § 4.02(2).

(Amend. Ord. 650-80, passed 12-8-80)

- (2) The City Council shall by ordinance establish all departments as may be deemed necessary in addition to the building and zoning department, recreation department, public works department, finance department, code enforcement department, and police department.

(Amend. Ord. 650-80, passed 12-8-80)

Sec. 8.02. - City Clerk.

The City Clerk shall be appointed or removed by the Council and shall be the official keeper of the city seal and shall in addition thereof, but not in limitation thereof, perform and be responsible for the following:

- (1) The City Clerk shall be the supervisor of elections and shall be responsible for the preparation of the ballot and the conduct of all elections of the city.
- (2) The City Clerk shall appoint such deputy clerks as may from time to time be necessary to carry out the duties of the office.
- (3) The City Clerk shall attend all meetings of the City Council and shall keep the minutes of all such meetings.
- (4) The City Clerk shall certify and maintain all permanent official records and archives of the city.
- (5) The City Clerk shall perform such other duties as required by ordinance or resolution of the City Council or as otherwise provided by this charter.

Sec. 8.03. - Board of recreation.

There shall be a system of recreation established within the city. An advisory board of recreation shall be appointed by the Council. Said system shall be regulated by ordinance or resolution adopted by the City Council in accordance with the laws of the State of Florida.

Sec. 8.04. - Appointments to more than one office.

Officials appointed by the Council may hold more than one office or employment only with the approval of Council. All other city employees may hold more than one office or employment only with the approval of the City Manager.

Sec. 8.05. - Oath of office.

Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Florida, and I will, in all respects, observe the provisions of the Charter and ordinances of Miami Springs, and will faithfully discharge the duties of the office of _____."

ARTICLE IX. - FISCAL MATTERS

Sec. 9.01. - Budget adoption.

- (1) Fiscal year. The fiscal year of the city shall commence each October 1, and shall end September 30 of the following year.
- (2) Budget proposal. Not later than 60 days before the end of each fiscal year, the City Manager shall prepare and submit to the City Council, a proposed budget which shall include all contemplated revenue and expenditures of all city departments, divisions and offices for the ensuing fiscal year. The proposed budget shall be compiled from detailed information supplied by each of the several departments, divisions and offices within the city and shall include so far as possible, but shall not be limited to, the following:
 - (a) A detailed estimate of the expenses of conducting each department, division, or office.
 - (b) Actual expenditures for all appropriation categories for the past 2 years.
 - (c) The total estimated income of the city from taxes and other nontax revenues for the period covered by the proposed budget.
 - (d) The amount required for principal and interest on the city debt for sinking funds and for maturing bonds.
 - (e) Such other information as may be required by the City Council.

Copies of the proposed budget shall be submitted to newspapers of general circulation within the city and to each library of the city which is open to the public.

Sec. 9.02. - Procedure for adoption; notice and public hearing required.

- (1) At the meeting of the Council at which the budget is submitted, the Council shall determine the place and time for a public hearing on the budget and shall cause to be published a notice of the place and time not less than 10 days after the date of the publication at which the Council will hold a public hearing. At the time and place so set, or at any time and place to which such hearing

may, from time to time be adjourned, the Council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard for or against the proposals or any item thereof.

- (2) After the conclusion of such public hearing, the Council may insert new items or may increase or decrease the items of the budget provided, however, that if the total of the proposed expenditures shall be increased, then, in that event, the Council shall cause to be published a notice setting forth the nature of the proposed increase and fixing the place and time not less than 10 days after the date of publication at which the Council will hold a further public hearing thereon. The budget shall be finally adopted by a favorable vote of a majority of all members of the Council not later than September 30, of each year and the millage or rate of taxation necessary to pay all outstanding debts during the ensuing fiscal year shall be fixed.
- (3) In the event the City Council cannot adopt the budget by September 30 of each year, the Council by resolution may direct that the amounts appropriated for current operation for the current fiscal year be deemed adopted for the ensuing fiscal year for a period of 15 days and thereafter renew said resolution each 15 days until such time as the Council adopts a budget for the ensuing fiscal year.

Sec. 9.03. - Appropriations and expenditures.

- (1) Upon final adoption of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named for the appropriate budget year. No liabilities shall be incurred or monies expended by an officer or employee of the city except in accordance with the provisions of the budget or amendments thereto.
- (2) A copy of the budget as finally adopted shall be certified by the clerk and the City Manager and the certified budget shall be filed for the use of all offices and departments.

Sec. 9.04. - Appropriation amendments during the fiscal year.

- (1) Transfer of appropriations. Upon the request of the City Manager, the City Council by $\frac{3}{5}$ vote may at any time transfer any part of the unencumbered appropriation balance between general classifications of expenditures within an office or department. At the request of the City Manager the Council may, by resolution, transfer any unencumbered appropriations balance or portion thereof from one office or department to another.
- (2) Excess revenues. If during the fiscal year revenues in excess of those estimated in the budget are available for appropriation, the Council by ordinance may make supplemental appropriations for the year up to the amount of that excess.
- (3) Reduction of appropriations. If, at any time during the fiscal year, it appears probable to the

manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, the remedial action taken by him and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

- (4) Limitations. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.
- (5) Emergency appropriations. In the event of disaster or other circumstances creating an emergency, the City Council may at any time, in any budget year, make an emergency appropriation for the purpose of repairing damages caused by such disaster or meeting such public emergency to the end that the public health, safety or welfare will be protected. To the extent that there are no available unappropriated revenues to meet such appropriation, the Council may authorize the issuance of emergency notes or certificates of indebtedness or other instruments of indebtedness which may be renewed from time to time. Emergency appropriations and the issuance of instruments of indebtedness shall be by ordinance.

(Amend. Ord. 650-80, passed 12-8-80)

Sec. 9.05. - Assessments.

- (1) In addition to the power of the city to levy and collect taxes as authorized and permitted by general law, the Council may impose and provide for the collection of special assessments against properties specially benefited by improvements, provided that said assessments shall be uniform and equal against all persons and properties.
- (2) All ordinances levying, assessing and collecting general and special taxes, assessments for special or local improvements, excise and privilege taxes and all other taxes authorized by law shall be directory and any errors, defects, or omissions in the levies, assessments, sales, or proceedings for collection shall be corrected by the City Council at any time necessary to establish the validity thereof.

Sec. 9.06. - General obligation bonds.

No general obligation bonds shall be issued by the city unless the issuance of such bonds shall have been approved by the vote of the majority of the electors voting on the issuance of such bonds in a general or special election. Such election shall be called, noticed and conducted and the result thereof determined and declared in the manner required by law.

Sec. 9.07. - Revenue bonds.

Revenue bonds issued under the provisions of this act, shall not be deemed to constitute a debt of the city or a pledge of the faith and credit of the city, but such bonds shall be payable solely from the revenues of the project financed thereby. All revenue bonds shall contain a statement on their face as follows:

"The City of Miami Springs is not obligated to pay the principal of these bonds or interest thereon except from the funds of the project financed thereby and the faith and credit of the City is not pledged to secure the payment of the said principal and interest of these bonds."

The issuance of revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the city to levy or to pledge any form of ad valorem taxation whatever or to make any appropriation for their payment from monies derived from ad valorem taxes.

ARTICLE X. - GENERAL PROVISIONS

Sec. 10.01. - Separability clause.

The provisions of this act are severable, and it is the intention to confer the whole or any part of the powers herein provided for, and if any of the provisions of this act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Sec. 10.02. - Suits against the city.

Notice of claim required.

- (1) No action shall be maintained against the city for damages arising out of any injury caused or claimed to be by any act or omission resulting in such injury unless written notice of claim of injury, giving time, place and circumstances of the injury shall be given to the city within 90 days from the occurrence of the injury or of the discovery of the injury if such injury was caused or is claimed to have been caused by a failure of the city to keep in safe condition any public sidewalk, pavement, street, bridge, building or other improvement to realty owned by the city or for which the city is liable for the maintenance. Such notice shall be given to the Mayor or the City Manager or the City Clerk or the City Attorney.
- (2) No notice of claim of injury shall be required as a prerequisite to the maintenance of any action against the city in any other tort action other than the specific actions enumerated above.

Sec. 10.03. - Standards of ethics; conflict of interest.

All elected officials and employees of the city shall be subject to the standards of conduct for public officers and employees as set by general law. In addition, the Council may, by ordinance, establish a code of ethics for officials and employees of the city which may be supplemental to general law but in no case may an ordinance diminish provisions of general law.